



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

# BZA Staff Report

**To:** Board of Zoning Appeals Members  
**From:** Alex Getchell, Associate Planner  
**Date:** November 17, 2015  
**Re:** Cases ZB 2015-16 (V) | Meijer Store | Woolpert, Inc.

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### REQUESTS:

**Case ZB 2015-16 (V)...Meijer Store.** A request for a development standards variance from the City of Franklin Zoning Ordinance, Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Wall Sign Area) in the MXR: Mixed-use, Regional Center zoning district and the Gateway-Overlay Zoning District. The property is located on the west side of N. Morton Street, between Simon Road (South) and Commerce Drive (North), with a common address of 2390 N. Morton Street.

### PURPOSE OF STANDARD:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City’s entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area’s traffic management issues.

### CONSIDERATIONS:

#### Proposed Use

1. Woolpert, Inc., on behalf of Meijer, has received Primary Plat approval, Rezoning to MXR and Annexation approval/adoption, and has received Site Development Plan Review (SPR) approval for a new 193,000 sq. ft. Meijer store, on 20.55 acres, and a Meijer Fuel Center on 1.76 acres, on the west side of N. Morton Street and located between Simon Road (South) and Commerce Drive (North).
2. Meijer is proposing the main “meijer” wall sign to be 321.06 sq. ft. (see the attached sign package).

#### Signage

3. According to Article 8, Chapter 3 of the City of Franklin Zoning Ordinance, the Meijer store is permitted the following signage, subject to sign permits being obtained prior to installation of all signage:
  - 2 square feet of sign area for every 1 linear foot of building frontage, or a maximum of 600 sq. ft., whichever is smaller. In this case, the Meijer store is permitted 600 sq. ft. of sign area. *The petitioner is proposing to be under the maximum sign area allowed by 55 sq. ft., for a total of 544.89 sq. ft.*
  - Maximum number of five signs are permitted, one of which can be a freestanding sign.
  - Since the property is over five acres and has multiple road frontages, the Meijer store is permitted a second freestanding sign, for a total of 6 signs and 600 sq. ft. of sign area.

- Wall signs are limited to a maximum of 200 sq. ft. in sign area. *The petitioner is proposing to exceed the maximum wall sign area allowed for the “meijer” wall sign by 121.06 sq. ft., for total of 321.06sq ft.*
  - Freestanding signs are limited to a maximum of 100 sq. ft. in sign area.
  - Freestanding signs are limited to a maximum of 25 ft. in height.
  - Directional signs are exempt if less than 6 sq. ft. in size (*Two 5.8 sq. ft. “Welcome” signs qualify*).
4. The petitioner is proposing 6 total signs (4 wall, 2 freestanding), as follows:
- Wall Sign: Meijer logo – **321.06 sq. ft. (*Exceeds maximum wall sign area by 121.06 sq. ft.*)**
  - Wall Sign: “Pharmacy Drive up” – 62.80 sq. ft.
  - Wall Sign: “Fresh” – 26.14 sq. ft.
  - Wall Sign: “Home” – 24.39 sq. ft.
  - Freestanding (Monument style): Commerce Drive middle entrance – 55.25 sq. ft., 7ft. in height
  - Freestanding (Monument style): Simon Road west entrance – 55.25 sq. ft., 7ft. in height
  - TOTAL SIGN AREA: 544.89 sq. ft. (*Below maximum permitted sign area by 55.11 sq. ft.*)
5. For comparison, listed below are several local businesses and their current largest wall sign, listed from largest to smallest (200 sq. ft. or smaller is permitted by current ordinance):
- *Meijer proposed wall sign:* 321.06 sq. ft. (*if approved, would be largest wall sign in city*)
  - Lowe’s: 303.4 sq. ft. (current largest wall sign in city)
  - Walmart: 298 sq. ft.
  - Cooper Tires Warehouse: 251.56 sq. ft.
  - Mitsubishi Warehouse: 240 sq. ft.
  - Interstate Warehousing: 195.5 sq. ft.
  - Complete Hydraulics: 193 sq. ft.
  - Kohl’s: Two, 193 sq. ft. wall signs
  - Big Lots: 173.7 sq. ft.
6. The petitioner states the proposed wall sign would be located approximately 780 feet from N. Morton Street, and the sign needs to be visible from that distance. For a real world comparison, the Lowe’s store/wall-sign (303.4 sq. ft.) is located a similar distance (720 feet) from N. Morton Street, and also has other businesses located between it and N. Morton Street. The proposed Meijer store will be located almost directly across N. Morton Street, from Lowe’s.
7. In addition to the Meijer store signage, a Meijer Fuel Center, with its own “Meijer” freestanding sign, and three “Meijer” fuel station canopy signs, are being proposed between the Meijer store and N. Morton Street. Altogether, there are 10 signs, 7 of which will have the Meijer logo, proposed for the two properties.

### **Comprehensive Plan & Zoning Ordinance**

8. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”
9. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to

improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.

10. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.

11. The surrounding zoning and land uses are as follows:

**Surrounding Zoning:**

North: MXC, Mixed-use: Community Center  
RS-1, Residential: Suburban One  
South: MXC, Mixed-use: Community Center  
RSN, Residential: Suburban Neighborhood  
East: MXC, Mixed-use: Community Center  
MXR, Mixed-use: Regional Center  
West: RS-1, Residential: Suburban One

**Surrounding Land Use:**

North: Commercial/Retail & Agricultural Crop field  
South: Residential Subdivision, Used Car Dealership  
& Agricultural Crop field  
East: BMO Harris, Chili's, Starbucks, First  
Merchant's Bank, & Lowe's  
West: Agricultural Crop field

**CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:**

**(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

**DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCES**

- 1. General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.***

**Staff Finding:**

Staff finds the approval of the proposed sign area variance could be injurious to the public health, safety or general welfare of the community. As a general recommendation, as it relates to the general welfare, the Board should consider how approval or denial of this sign area variance could set precedent for the soon-to-be-developed retail centers along N. Morton/US Hwy 31, such as the Kroger Marketplace and the commercial lot immediately north of the new Kroger, which is likely to also develop as a retail center. Staff finds the approval of the proposed 321.06 sq. ft. Meijer logo sign could be injurious to the general welfare of the community, as approval would make it the largest wall sign in the city, and could set a higher precedent for existing and future large scale retailers when updating and/or proposing signage; however, due to the fact that 1.) nearly 38% of the calculated sign area is blank/white space, 2.) the actual area covered by signage is 200 sq. ft., 3.) the distance of the proposed sign from N. Morton Street, 4.) the height & width of the proposed Meijer store front façade, and 5.) the desire for the sign to be reasonably proportional to the building, staff does not believe approval of the proposed sign will have an adverse impact on the general vicinity.

- 2. Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

**Staff Finding:**

Staff finds no evidence that approval of the proposal would affect any of the adjacent properties in a substantially adverse manner. The proposed Meijer store will be substantially buffered with landscaping and the requested variance will not have a direct negative influence on the use or value of any of the adjacent properties.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

**Staff Finding:**

The proposed sign would be proportional to the building, and would be similar in size, albeit slightly larger, than signs for similar large scale retail uses in the general vicinity. Staff finds there is a practical difficulty in strictly requiring the main Meijer logo wall sign to be 200 sq. ft. or less in size, as a sign that size would not be proportional to the building, and a sign that size would be a third of the size smaller than existing signs for similar uses in the general vicinity.

**STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES**

Based on the written findings above, staff recommends **approval** of the petition with the following conditions:

1. Sign permits shall be obtained prior to installation of all signage.